

HOUSE BILL 249

K4

(11r0763)

ENROLLED BILL

— Appropriations/Budget and Taxation —

Introduced by **Delegate Proctor**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Retirement and Pension System – Direct Mailings by Retiree**
3 **Organizations – ~~Repeal of Sunset Provision~~**

4 FOR the purpose of ~~providing that certain retiree organizations may make a certain~~
5 ~~number of requests during a certain period of time to the Board of Trustees of~~
6 ~~the State Retirement and Pension System for certain retiree information that is~~
7 ~~necessary for certain direct mailings by the retiree organizations; requiring a~~
8 ~~retiree organization to submit certain information to the Board of Trustees of the~~
9 ~~State Retirement and Pension System; requiring the Board of Trustees to review~~
10 ~~certain direct mailing materials before submitting retiree data to a mail~~
11 ~~processing center; altering the definition of “retiree organization” to expand the~~
12 ~~definition to include any organization in which State retirees participate and~~
13 ~~whose primary purpose is representing or providing services to those retirees;~~
14 ~~providing for the application of certain provisions of this Act; repealing the~~
15 ~~termination of certain provisions of law that allow retiree organizations to send~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 direct mailings to retirees of the State Retirement and Pension System; ~~defining~~
 2 ~~a certain term~~; providing for the effective date *of certain provisions of this Act*;
 3 and generally relating to direct mailings by retiree organizations to retirees of
 4 the State Retirement and Pension System.

5 BY repealing and reenacting, ~~without~~ with amendments,
 6 Article – State Personnel and Pensions
 7 Section 21–128 ~~and 21–504(e)~~
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2010 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – State Personnel and Pensions
 12 Section 21–128
 13 Annotated Code of Maryland
 14 (2009 Replacement Volume and 2010 Supplement)
 15 (As enacted by Section 1 of this Act)

16 BY repealing and reenacting, with amendments,
 17 Chapter 714 of the Acts of the General Assembly of 2010
 18 Section 2

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – State Personnel and Pensions**

22 21–128.

23 (a) In this section, “retiree organization” means the Maryland Retired School
 24 Personnel Association.

25 (b) (1) A retiree organization may submit only one request in both April
 26 and October of each year to the Board of Trustees to assist the retiree organization in
 27 performing direct mailings to retirees of the several systems who are members of the
 28 retiree organization or eligible to become members of the retiree organization.

29 (2) The direct mailings may not be for the purpose of supporting or
 30 opposing any political party, ballot measure, or candidate in any election, including
 31 any State general or primary election or any election within the retiree organization.

32 (3) (i) The Board of Trustees shall provide the retiree data for
 33 addressing envelopes only to the mail processing center under a secure data share
 34 agreement with the mail processing center under which neither the retiree organization
 35 nor any other entity has direct access to any names or addresses.

1 (ii) If the Board of Trustees provides any retiree data to a mail
2 processing center under subparagraph (i) of this paragraph, the Board of Trustees is
3 not required to notify a retiree whose data is released of the provisions of § 21-504 of
4 this title.

5 **(4) (I) A RETIREE ORGANIZATION SHALL PROVIDE THE BOARD**
6 **OF TRUSTEES WITH COPIES OF ALL MATERIALS THAT WILL BE INCLUDED IN THE**
7 **DIRECT MAILING.**

8 **(II) THE BOARD OF TRUSTEES SHALL REVIEW THE**
9 **MATERIALS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BEFORE**
10 **PROVIDING ANY RETIREE DATA TO A MAIL PROCESSING CENTER.**

11 (c) The direct mailing shall provide retirees of the several systems who are
12 members of the retiree organization or eligible to become members of the retiree
13 organization with information that explains the services offered by the retiree
14 organization.

15 (d) (1) A retiree organization is solely responsible for the procurement of a
16 mail processing center under this section.

17 (2) The retiree organization shall provide all printed materials to be
18 mailed and envelopes to a mail processing center.

19 (3) The retiree organization is responsible for paying all costs for
20 generating mailing labels, inserting materials into envelopes, sealing, labeling, and
21 delivering materials to be mailed to a bulk mail center or post office.

22 (4) The retiree organization is responsible for all postage costs involved
23 for the direct mailings.

24 (e) The Board of Trustees is not liable for the content of any direct mailing
25 sent under this section.

26 (f) On or before December 31 of each year, the Board of Trustees shall submit
27 a report in accordance with § 2-1246 of the State Government Article to the Joint
28 Committee on Pensions that includes a summary of any complaints received by the
29 State Retirement Agency regarding any mailing received by a retiree under this section.

30 **SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland**
31 **read as follows:**

32 **Article – State Personnel and Pensions**

33 21-128.

1 (a) In this section, "retiree organization" means ~~the Maryland Retired School~~
 2 ~~Personnel Association~~ AN ORGANIZATION IN WHICH STATE RETIREES
 3 PARTICIPATE AND THAT HAS AS ONE OF ITS PRIMARY PURPOSES,
 4 REPRESENTING OR PROVIDING SERVICES TO STATE RETIREES.

5 (B) THIS SECTION APPLIES TO ANY RETIREE ORGANIZATION THAT HAS
 6 THE LEGAL AUTHORITY TO PROVIDE SERVICES TO RETIREES OF THE SEVERAL
 7 SYSTEMS.

8 ~~(C)~~ (C) (1) A retiree organization may submit only one request in both
 9 April and October of each year to the Board of Trustees to assist the retiree
 10 organization in performing direct mailings to retirees of the several systems who are
 11 members of the retiree organization or eligible to become members of the retiree
 12 organization.

13 (2) The direct mailings may not be for the purpose of supporting or
 14 opposing any political party, ballot measure, or candidate in any election, including
 15 any State general or primary election or any election within the retiree organization.

16 (3) (i) The Board of Trustees shall provide the retiree data for
 17 addressing envelopes only to the mail processing center under a secure data share
 18 agreement with the mail processing center under which neither the retiree
 19 organization nor any other entity has direct access to any names or addresses.

20 (ii) If the Board of Trustees provides any retiree data to a mail
 21 processing center under subparagraph (i) of this paragraph, the Board of Trustees is
 22 not required to notify a retiree whose data is released of the provisions of § 21-504 of
 23 this title.

24 (4) (i) A retiree organization shall provide the Board of Trustees
 25 with copies of all materials that will be included in the direct mailing.

26 (ii) The Board of Trustees shall review the materials provided
 27 under subparagraph (i) of this paragraph before providing any retiree data to a mail
 28 processing center.

29 ~~(D)~~ (D) The direct mailing shall provide retirees of the several systems
 30 who are members of the retiree organization or eligible to become members of the
 31 retiree organization with information that explains the services offered by the retiree
 32 organization.

33 ~~(E)~~ (E) (1) A retiree organization is solely responsible for the
 34 procurement of a mail processing center under this section.

35 (2) The retiree organization shall provide all printed materials to be
 36 mailed and envelopes to a mail processing center.

1 (3) The retiree organization is responsible for paying all costs for
 2 generating mailing labels, inserting materials into envelopes, sealing, labeling, and
 3 delivering materials to be mailed to a bulk mail center or post office.

4 (4) The retiree organization is responsible for all postage costs
 5 involved for the direct mailings.

6 ~~(E)~~ (F) The Board of Trustees is not liable for the content of any direct
 7 mailing sent under this section.

8 ~~(F)~~ (G) On or before December 31 of each year, the Board of Trustees shall
 9 submit a report in accordance with § 2-1246 of the State Government Article to the
 10 Joint Committee on Pensions that includes a summary of any complaints received by
 11 the State Retirement Agency regarding any mailing received by a retiree under this
 12 section.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 14 read as follows:

15 ~~21-504.~~

16 ~~(e) (1) Except as provided in § 21-128 of this title, before the release of a~~
 17 ~~name, the Board of Trustees shall notify the individual of the provisions of this~~
 18 ~~section.~~

19 ~~(2) If an individual notifies the Board of Trustees that the individual~~
 20 ~~does not want the individual's name or address released to an employee organization,~~
 21 ~~the Board of Trustees may not release the name or address.~~

22 Chapter 714 of the Acts of 2010

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 July 1, 2010. [It shall remain effective for a period 1 year and, at the end of June 30,
 25 2011, with no further action required by the General Assembly, this Act shall be
 26 abrogated and of no further force and effect.]

27 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act
 28 shall take effect July 1, 2012.

29 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in
 30 Section 4 of this Act, this Act shall take effect ~~June 1, 2011~~ ~~July 1, 2012~~ June 1, 2011.